UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/NGO/26
10 February 2000

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 3 of the provisional agenda

ORGANIZATION OF THE WORK OF THE SESSION

Written statement* submitted by the Colombian Commission of Jurists (CCJ),
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 January 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

The Chairperson of the Commission on Human Rights ("the Commission"), in a 1999 statement on Colombia, said that the Commission "deplores the fact that its recommendations as well as those made by thematic mechanisms and other United Nations bodies, have not been fully implemented".

Notwithstanding, the Government of Colombia persists in its failure to implement international recommendations, as shown in the annex to this statement (available from the signatory organizations), which contains a comparative analysis of the recommendations and the degree to which they have been fulfilled.

The United Nations has repeatedly requested that the Government carry out a reform of the Military Penal Code. In 1999 a law adopting a new code was enacted. The reform, however, far from abiding by international recommendations and the case law of the Colombian Constitutional Court (Judgement C-358 of 1997), permits the military system of justice to continue investigating and trying cases of human rights violations other than genocide, torture and enforced disappearance. Furthermore, the new code is not yet in force, as its entry into force was linked to the enactment of a new law relating to the administrative organization of the military system of justice. As of late 1999, a draft of the proposed new law had not yet been prepared.

After 11 years and five unsuccessful drafts, a law criminalizing the enforced disappearance of persons was adopted by Congress. Incomprehensibly, however, the President challenged the law and refused to approve it. With this presidential decision, Colombia again fails to abide by international standards and recommendations.

There is nearly 100 per cent impunity for human rights violations. In contempt of the Constitutional Court judgement, serious cases of human rights violations are still being tried by the military courts. In addition, most of the cases tried internationally, which have resulted in condemnations of the Colombian State and recommendations that those responsible should be tried, have resulted in impunity.

The human rights and humanitarian law situation continued to deteriorate during 1999. In 1998 an average of nine persons per day were victims of sociopolitical violence. The number increased to 12 in 1999: 6 died from extrajudicial executions, 1 disappeared, 4 died in armed conflicts and 1 more died each day for belonging to social sectors considered to be marginal. Of those figures, not counting those who died in armed conflict, one woman every 2 days and one child every 10 days die because of sociopolitical violence.[1]

The paramilitary groups (which, as has repeatedly been shown, act in conjunction or with the complicity of Government forces), are responsible for 73 per cent of these violations and the police and armed forces account for 5 per cent, for a total of 78 per cent. The guerrilla forces account for the remaining 22 per cent.

The police and armed forces are definitely not confronting these groups. In August the Government announced a "national human rights policy" (four months after the Commission had commended it for its supposed adoption of such a policy the year before). Its stated

intention of dismissing from service and trying the officials implicated in serious violations has yet to be fulfilled. The Government must comply with the repeated recommendation that it should dismantle the paramilitary groups.

Attacks against human rights defenders, journalists and trade-union and social leaders continue. Since mid-1996, 36 human rights defenders have been murdered, approximately 100 have been threatened and at least 30 have been forced to leave the country due to threats.

Statements by senior military leaders, such as the Deputy Commander-in-Chief of the Army, who in December publicly qualified the army's opponents as "insurgents who have presumably infiltrated the Offices of the Attorney-General, Procurator-General and human rights associations in Colombia", are disturbing. The fact that the President of the Republic failed to rectify those statements, despite explicit requests from the Procurator-General and Attorney-General, increases the risk to human rights defenders.

Forced displacements continue to increase. Between January and September 225,000 persons were displaced.[2] Accordingly, more than 1.7 million persons were displaced between 1985 and 1999. The main cause of displacement is armed conflict, compounded by economic macroprojects.

Government policy for the prevention of displacement is ineffective, as it has not worked for previously reported displacements. Victims are not attended to during the displacement and concrete and safe measures are not taken to guarantee their protection.

The parties in conflict are committing serious violations of humanitarian law. The Revolutionary Armed Forces of Colombia have abducted and murdered civilians, including three well-known indigenous activists. Serious violations are also being committed by the National Liberation Army, which introduced a new practice of collective abductions: 42 passengers in an aeroplane, 59 persons attending church and 14 persons who happened to be fishing.

One example of a violation of humanitarian law was a car-bomb attack carried out in July by the Revolutionary Armed Forces of Colombia against the municipality of Nariño (Antioquia), which caused the deaths of four civilians, two of them children. An armed forces aeroplane and helicopters came to the aid of the police, shooting indiscriminately. A young girl asleep in her house 2 km away was killed by a shot from one of the helicopters.

In addition to the above-mentioned violations, indiscriminate use is made of methods of warfare, executions are conducted in non-combat situations and military facilities are located in the midst of civilian areas.

Colombia is currently undergoing its worst economic crisis for the last 70 years, which has heavily affected the poorest sectors, due to a high level of concentration of income and property. Sixty per cent of the population is living in a situation of poverty. The unemployment rate is over 20 per cent, with even more dramatic regional data, as in the city of Buenaventura where it is over 60 per cent.

This grave situation has resulted in social movements which have been disregarded by the Government as being tools of the guerrillas. Furthermore, the policies included in the Development Plan are not aimed at resolving the main problems encountered in the enjoyment of economic and social rights. On the contrary, the plan increases the military budget, to the detriment of social spending.

We, the signatory organizations, support the steps being taken to achieve a negotiated political solution to the armed conflict. In the words of the High Commissioner, peace must be "founded on respect for human rights". Unfortunately, efforts to achieve peace in Colombia are not being accompanied by a serious human rights policy; it is assumed that human rights will automatically be respected when the peace is signed. The Government appears to believe that a human rights commitment would be counterproductive to peace efforts. This endangers the viability of any peace agreement achieved. The peace negotiations should guarantee the victims' rights to justice, truth and compensation. A peace based on impunity would be a frail peace indeed.

We urge the guerrillas and the Government to respect the rights of non-combatants and to sign a humanitarian agreement.

For the foregoing reasons, we request that the Commission:

On the basis of the analytical report submitted to it by the High Commissioner, again express its deep concern at the human rights crisis in Colombia and the repeated failure to comply with the recommendations made, and not recognize spurious achievements, as has unfortunately occurred in the past.

Renew and strengthen the mandate of the Office of the High Commissioner in Colombia by providing it with adequate financing, inviting the member countries of the Commission actively to back its work and urging the Colombian Government to fulfil the Office's recommendations.

Formally establish a special item on its agenda on follow-up of compliance with United Nations recommendations to the Government of Colombia (due to its repeated failure to implement them).

Request that the High Commissioner should also submit her report on Colombia to the United Nations General Assembly.

Urge the thematic mechanisms of the Commission to devote increased attention to the human rights crisis in Colombia and request that they visit the country again.

Appoint a Special Rapporteur for Colombia, as a mechanism supplementing the work of the Office of the High Commissioner, to support the Office in providing follow-up to the recommendations made to the Government of Colombia.

Call especially on the States providing the Colombian Government with military aid to ensure that the aid is not used to violate human rights and is posited on the fulfilment of the recommendations repeatedly made by the United Nations.

Decide the foregoing by means of a resolution, given the lack of cooperation of the Colombian Government, which apparently commits itself to the statements of the Chairperson of the Commission but does not implement her recommendations.

Notes

[1] Data supplied by the Centre for Research and Popular Education (CINEP) of the Colombian Commission of Jurists, Standing Committee for the Protection of Human Rights and Interdenominational Committee for Justice and Peace.

[2] Figures supplied by Codhes (Consultoria para los Derechos Humanos y el Desplazamiento (Advisory Office for Human Rights and displacement.